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Letter dated 21 August 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to forward to you information regarding the independence of judges and the judicial system of Uzbekistan as a whole (see annex).

I would appreciate it if you could have the present letter and its annex circulated as a document of the General Assembly at its sixty-first session under item 95 of the provisional agenda.

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 21 August 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

The judicial system in the Republic of Uzbekistan (Independence of judges and system of selection of members of the judiciary)

Justice in Uzbekistan is administered by the courts. The Constitution of Uzbekistan proclaims the independence of the judicial branch. As an independent branch of power, the judicial bodies have as their function the protection of human and civil rights and freedoms.

Article 107 of the Constitution establishes the structure of the judicial branch, which consists of the Constitutional Court, the Supreme Court and the Higher Economic Court. The establishment of extraordinary courts of any kind is not permitted. All trials are open, with certain exceptions established by law (for example, at the request of a victim).

Judges are independent in their activity and are governed by the law, which ensures their integrity. A judge may not be a senator or a deputy in the representative bodies of the Government. Judges may not be members of political parties, participate in political movements or engage in any other type of paid activity, with the exception of scholarly or educational pursuits.

The Constitutional Court of Uzbekistan is the body of the judicial branch which considers cases on the constitutionality of acts of the legislative and executive branches.

Under the Constitution of Uzbekistan, the Constitutional Court is elected for a term of five years and is a permanent body.

The Supreme Court of Uzbekistan is the highest body of the judicial branch in the area of civil, criminal and administrative proceedings.

The Supreme Court of Uzbekistan consists of a presiding judge, a first deputy and deputies, the presiding judges of the Court's chambers and the judges of the Supreme Court, and functions within the following bodies:

- Plenum of the Supreme Court of Uzbekistan;
- Presidium of the Supreme Court of Uzbekistan;
- Civil chamber;
- Criminal chamber;
- Military chamber;
- Supreme Courts of the Republic of Karakalpakstan for civil and criminal matters;
- Regional Tashkent municipal courts for civil and criminal matters;
- Interdistrict, district and municipal courts for civil and criminal matters.

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The Higher Economic Court of Uzbekistan is the highest body of the judicial branch for economic legal proceedings. The Higher Economic Court is entitled to oversee the judicial activity of the economic court of the Republic of Karakalpakstan and of the economic courts of the regions and the city of Tashkent.

The activity of the courts of general jurisdiction and of the economic courts is governed by the Act "On the courts", which establishes the organizational bases of the judicial system and guarantees judges' autonomy and independence.

In Uzbekistan, there are several alternative procedures for exercising judicial authority, referred to as "types of proceedings". These include constitutional, civil, economic, criminal and administrative proceedings. Each of these is governed by a special legislative act.

The principle of the non-removability of judges while they are exercising their authority to administer justice is fully reflected in the law. There is one common five-year term of office for judges of all courts of the Republic.

In order to ensure the genuine independence of the judicial branch and the continuing democratization of the principles governing selection and deployment of members of the judiciary, a Commission on the appointment and dismissal of judges was formed in 1999 under the President of Uzbekistan. This marked a major step in resolving an important judicial reform issue: the creation of a judicial corps by qualified and competent judges.

In 2001, the Commission was transformed into the Higher Qualification Commission for selection and recommendation of judges under the President of Uzbekistan. The Commission consists of judges, deputies of the Oliy Majlis, legal scholars and members of law enforcement bodies and non-governmental organizations.

The initial roster of members of the judiciary is formed by qualification boards of judges on the basis of recommendations from the courts, law enforcement bodies, institutions, organizations and members of voluntary associations of judges, taking into account educational level, work experience and professional qualities of the candidates for judgeships. Any individual who has reached the age of 25, has completed law school and has at least three years of relevant work experience may apply for inclusion on the roster of judges.

The qualification board of judges, which is elected by the Supreme Court Plenum for a term of five years, determines, through personal interviews, the results of a qualifying examination and a review of documentation presented, the professional suitability, moral and professional qualities, level of knowledge and world view of the candidates for inclusion on the roster of judges.

Based on the results of the qualifying examination, the qualification board of judges decides either to include the candidate on the roster or to reject him or her. The conclusion of the qualification board of judges is sent, with rankings, to the Higher Qualification Commission, which rules on the appropriateness or inappropriateness of the candidates for judgeships. This is how the principle of transparency in the appointment of judges is ensured.

The procedure for investing candidates with the authority of a judge is as follows:

Judges of the Supreme Court and of the Higher Economic Court of Uzbekistan are elected by the Senate of the Oliy Majlis of Uzbekistan on the basis of a slate submitted by the President of Uzbekistan.

Judges in the Republic of Karakalpakstan are elected or appointed by the Jokargi Kenes of the Republic of Karakalpakstan on the basis of a slate submitted by the presiding officer of the Jokargi Kenes of Karakalpakstan which has been previously approved by the President of Uzbekistan.

Judges of the regional, municipal, inter-district, district (municipal) and military courts are appointed by the President of Uzbekistan on the basis of a slate submitted by the Higher Qualification Commission for the selection and recommendation of judges under the President of Uzbekistan, and judges of the economic courts are appointed on the basis of a slate submitted by the presiding judge of the Higher Economic Court of Uzbekistan.

The final phase of investiture of the candidate with the authority of a judge is the swearing-in ceremony, since, according to the law, without this procedure a judge may not take up his or her duties.

The election of judges of the Supreme Court and of the Higher Economic Court of Uzbekistan by the Senate of the Oliy Majlis on the basis of a slate submitted by the President of Uzbekistan and the appointment of judges to district and regional courts and other courts at the same level by the President of Uzbekistan enhances the status of judges and serves as a guarantee of their independence.